



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY  
OF THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, September 13, 2005, 8:00 p.m.

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**MEETING**

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led Council/RA Member Henson.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Quirk, Jimenez, Halliday, Ward, Dowling,  
Henson  
MAYOR/CHAIR Cooper  
Absent: COUNCIL/RA MEMBERS None

**PRESENTATION:** Pride in Hayward Award

The following Southgate Area residents were honored with the Pride in Hayward Award for September: Earl and Mariana Brockett, Kishore and Reshmi Prasad, William and Linda Erickson, Dan and Barbara Miller, and Tojo and Tania Thomas. Mayor Cooper thanked each for taking pride in their homes.

**PUBLIC COMMENTS**

Earl P. Walker, representing Bishop Macklin, spoke regarding the local Hurricane Katrina Relief project that is spearheaded by the faith-based community. He noted that Bishop Macklin of Glad Tidings Church and Rev. Randy Smith of the First United Methodist Church are collecting items to send via trucks to Louisiana. He provided a telephone number for further information. In response to Mayor Cooper's question of those desiring to assist, Mr. Walker reported that volunteers can participate daily at the Glad Tidings Church beginning at 10 a.m.

Henry Villalobos reported that he is forming a committee to begin an international cultural center and asked for Council support.

**CONSENT**

1. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 6, 2005

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 6, 2005.

2. Resignation of Commissioner Earley from the Personnel and Affirmative Action Commission

Staff report submitted by City Clerk Reyes, dated September 13, 2005, was filed.

Council Member Henson, as the liaison to this Commission, spoke highly of Ms. Earley and commended her as an excellent member with highly technical expertise. He noted that she will be missed as she embarks on a new career position which requires that she relocate to Texas.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried unanimously, to adopt the following:

Resolution 05-108, "Resolution Accepting Written Resignation of Latricia Earley from the Personnel and Affirmative Action Commission"

3. Authorization for Acquisition of Sub-Lease from JT's Gas Station at the Northwest Corner of Hesperian Boulevard and West A Street in Conjunction with the West A Street Realignment Project

Staff report submitted by Director of Public Works Bauman, dated September 13, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried, to adopt the following:

Resolution 05-107, "Resolution Authorizing the City Manager to Authorize the Acquisition of the Sub-Lease from JT's Gas Station in Conjunction with the West "A" Street Realignment Project"

## **LEGISLATIVE BUSINESS**

4. Cinema Place Project Design

Staff report submitted by Principal Planner Patenaude, dated September 13, 2005, was filed.

Principal Planner Patenaude made the report, depicting the staff recommendation that enhances the façade and the exterior on the proposed cinema project. The floor plan is very similar to the original plan. The theater will have 12 screens in just over 12,000 square feet of ground floor space, and 5,809 square feet on the second floor, with an attached open deck that will be approximately 2,000 square feet for open dining. He described the proposed open linear plaza along B Street. In response to Council recommendations and concerns, the box office has been relocated to serve as a focal point. He enumerated the recommended architectural designs using art deco styling as the cornices, the materials to be used to create that detailing and the landscaping that will enhance the exterior. He noted that staff has recommended an art deco motif along the outer edge of the columns along B Street. Principal Planner Patenaude also described the double banded frieze with a motif that will be above the second-story windows and set into the wall surface at least three inches.

Staff is recommending richer vibrant colors to the palette for this project such as rich purples and greens to complement the City's street lights and the royal blue awnings. He pointed out the need for some color on the secondary vertical elements, between the "fins" or narrow columns and the frieze.



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Additional staff recommendations for this project include incorporating a variety of block colors to highlight the banding. As the project is now smaller than the original plan, there is the opportunity for additional landscaping. Staff is recommending using raised planters along Foothill Boulevard and the Theater Alley providing a better transition between the street and the theater as well as a more comfortable pedestrian sidewalk. A staff concern was pointed out that the applicant has not proposed the utilization of neon lighting as Council preferred.

Staff recommendation is to include neon and along the banding on the more massive walls. He noted that there will be wall mounted light fixtures. Lastly, he noted that staff finds the revised plan generally consistent with the previous City Council approval and staff is seeking City Council concurrence in the minor modifications and is willing to work with the developer to complete the precise plan that will be approved administratively.

Council Member Dowling appreciated the work of the developer and the staff, but was not pleased with the species of trees in the slides, but staff reported that the species for landscaping have not been determined. He would prefer classic film posters. Council Member Dowling also asked for the definition of super graphics. He asked for a timeline on this project and was glad for the sign that has been posted at the site. He expressed concern for any further delays due to design requests.

City Manager Armas stated that groundbreaking is scheduled for March or April. He reported that the timing for clearing the site is still on track.

Council Member Henson noted the vast improvement to the previous design. He liked the Foothill Boulevard elevation and the "stepped look" that it reflected. He was glad for the rotunda look that maintained a rotunda theme as in the City Hall. He would prefer the use of neon signs and asked staff to discuss this further.

Principal Planner Patenaude explained that currently the project includes fixtures that will light the graphics and the City's street light fixtures that will fold into the plaza. As the precise plan is developed, staff recommendation will include color lights to provide wall washes as an alternative or in addition to neon that assists in lighting for safety in the general area.

In response to Council Member Henson's question related to parking in the downtown and the emphasis on pedestrian orientation in the downtown, City Manager Armas reported that the City/Redevelopment Agency committed to 750 spaces in the downtown area but there will be closer to 1,000 available spaces including the additional parking lots as the one behind the Bank of the West, the additional deck to the City's parking structure and the parking adjacent to the present Salvation Army store.

Council Member Halliday commented on the attractiveness of the revised plan for the proposed theater. She asked about the proposed species of palm trees. She noted the Royal Palm tree species that is part of the landscaping at the Giants' baseball stadium that are also lit. She advocated for this species and their lighting. In response, Principal Planner Patenaude stated that he had previously been

a planner in Palm Springs and is quite familiar with the use of palm trees in developments. He described a variety of species that could be used that is not as thin as those in the Palma Ceia neighborhood. He reported that it is possible to attach lighting to the tree via a band of some type. Safety lighting will definitely be considered.

Council Member Quirk agreed with Council Member Dowling not to over-design the project. He asked about the window design referring to the staff recommendation to set them in three inches. He commended Principal Planner Patenaude. He agreed with the vibrant colors and lighting, but noted that neon is not his favorite.

Council Member Ward asked staff to comment on the raised planters recommendation along the Foothill Boulevard elevation. Principal Planner Patenaude responded that this would create a more architectural base against the massive wall areas. City Manager Armas commented that the wider sidewalks will encourage pedestrian activity. At this time there are no proposals for changing the current travel on B and C Streets design. There will be opportunity for Council to provide input on the design of the City-operated parking garage.

Council Member Jimenez commented on the palm tree species and the number to be planted. He asked about the canopy and the box office, noting the palm tree locations on the computer simulations. It was noted that this will be considered.

Mayor Cooper opened the public hearing at 8:53 p.m.

Jim Wright, Senior Vice-President with Blake-Hunt Ventures, responded to questions on the species of palm trees, noting that the project landscaping plan has not been developed, and the lighting design package is still being worked on, but reported that Council comments and suggested elements will be considered. In response to Council Member Halliday, he reported that her suggestions regarding the species and the lighting are not excluded, but will be considered as the final precise plan is submitted. Mr. Wright did note that he has acquired photos of the Paramount Theater in Oakland.

Victor Castillo, Executive Vice-President with Century Theaters, responded to Council Member Halliday's questions related to movie attendance and the need to provide foreign movies. Mr. Castillo reported that there are plans for 23 Century Theaters to be built in the near future and committed to showing what the public desires. He agreed that if movies are not there, then the attendance diminishes. He noted that the key is what the public desires when it comes to foreign and independent films. He provided examples as in Daly City where Filipino films are shown. Also in response to Council Member Halliday's question, Mr. Castillo commented that retro and classic films could be shown, as she suggested, but again it depends on the public.

Council Member Quirk agreed with his colleague on the foreign and independent films concerns and noted to Mr. Castillo that several Council Members are willing to be a resource to market them. He thanked Mr. Castillo for his attendance and feedback and for agreeing to show films for specific ethnic groups in Hayward.

In response to Council Member Henson's question, Mr. Castillo suggested that there is a similar project in downtown San Mateo.

Council Member Dowling discussed the super graphics and was informed that they will be over-sized posters probably encased in glass. They will not be periodically changed nor utilized for advertising. It



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was noted that potential tenants will include a mix of retailers and restaurants, but not in the soft goods arena.

In response to Council Member Ward's question as to the rate for tenants, Mr. Wright reported that the rate will range between \$42 to \$48 per square foot and slightly higher at corner spaces.

Mayor Cooper closed the public hearing at 9:10 p.m.

Council Member Halliday made the motion, thanking the representatives of the development and the theater for their attendance as well as accepting Council recommendations. She noted that she looked forward to the final project.

Mayor Cooper stated that she is a fan of neon and that type of lighting would look well on Foothill Boulevard. She suggested placing a neon light shaped as a palm tree on the Theater Alley side of the building.

It was moved by Council Member Halliday, seconded by Council Member Ward, and unanimously carried to accept the revised preliminary development plan that is generally consistent with the plan that was approved on July 20, 2004, and recommended that staff work with the developer to proceed with the development of the Precise Plan.

**5. Resolution Authorizing Approval of Amendment No. 1 to the August 1986 Alameda County Transportation Expenditure Plan**

Staff report submitted by City Manager Armas, dated September 13, 2005, was filed.

City Manager Armas reiterated the Amendment to remove the Route 238 Bypass Project from the Expenditure Plan, and include the following projects that will be programmed with Measure B funds: The Route 238 Mission/Foothill/Jackson Corridor Improvement Project, an interchange project in Castro Valley, and a freeway system operational analysis for the County and the Castro Valley Local Traffic Improvement Project. In response to Council Member Henson's question as to whether there will be a study of the economic impacts on businesses, City Manager Armas stated that there will be an analysis of the impact to businesses on lower Foothill Boulevard if parking is removed on the corridor as part of the environmental studies.

There was Council discussion related to the litigation process, the actual expenditure plan and the Amendment to the Plan. It was noted that this amendment must be approved by the Board of Supervisors and a majority of the incorporated population, as well as approved by the Metropolitan Transportation Commission. Currently the cities of Piedmont and Union City have approved this Amendment. Identified alternatives, as well as any resulting from the scoping meeting, will be evaluated including a no-project.

Mayor Cooper opened the public hearing at 9:34 p.m.

Rudy Grasseschi, business owner of Cobblers, submitted a petition that he stated was signed by seventy-five business owners. The petition is requesting a requirement for the City to conduct an environmental impact study. He hoped to resolve this issue and spoke on behalf of those business owners who are not aware of this proposal. He commented on a study by the Small Business Administration one-way streets impacts businesses negatively.

Council emphasized that staff request that the consultants be as specific as possible to questions from business owners. City Manager Armas stated that staff is in agreement with Mr. Grasseschi's and business owners questions.

Elie Goldstein, representing a Foothill Boulevard business, agreed with Rudy Grasseschi and expressed concern that other businesses are not aware of the project and how it will impact their businesses. He expected appropriate and timely information and asked for open communication between staff and businesses.

Council Member Jimenez urged business owners to participate in the City sponsored public hearings and noted City funded improvements that have benefited the downtown merchants.

Mayor Cooper closed the public hearing at 9:45 p.m.

Council Member Quirk thanked those in attendance. He commented on the previous action noting that it will be situated at the intersection at two one-way streets. He disagreed with comments made related to the negative impacts of one-way streets in the downtown to businesses. He agreed with advancing this effort to amend the expenditure plan and allow for other projects in the county.

Council Member Dowling seconded the motion and agreed with Council Member Quirk's statements. He noted that he was familiar with the study related to one-way streets and surmised that with one-way streets, the level of traffic diminishes some, but on Foothill Boulevard there would not be a major reduction in traffic which may hurt the business community.

It was moved by Council Member Quirk, seconded by Council Member Dowling, and carried to adopt the entitled resolution by the following roll call vote:

Resolution 05-109, "A Resolution Authorizing the City of Hayward's Approval of Amendment No. 1 to the Alameda County Transportation Expenditure Plan, Dated August 1986"

AYES: Council Members Quirk, Halliday, Ward, Dowling,  
Henson  
MAYOR Cooper  
NOES: None  
ABSENT: None  
ABSTAINED: Council Member Jimenez

6. Water Pollution Control Facility Phase I Improvements: Award of Construction Contract, Appropriation of Additional Funds, Approval of Addendum, and Authorization for Increases in



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Professional Services During Construction and Authorization to Execute an Agreement for Geotechnical Construction Support Services

Staff report submitted by Deputy Director of Public Works Ameri, dated September 13, 2005, was filed.

Deputy Director of Public Works Ameri made the report, noting the background of the project and the bid process, the reduction of the scope of the project and explaining the financing and the substantial annual savings.

Council thanked Deputy Director of Public Works Ameri for an excellent presentation in reporting the cost and the bidding process and why the project is needed. This project will improve the reliability and robustness of the water pollution control facility for the next 25 years and will meet the requirements of the permit that the State requires. This will improve the quality of the secondary treatment process and the capability to upgrade to the tertiary treatment process capability.

In response to Council Member Halliday's concerns, Deputy Director of Public Works Ameri affirmed that the revised design does not compromise any functionality or the safety of the treatment process.

Council Members Ward and Henson commented that with such an enormous contract and a massive project, there are few local and minority subcontractors. As requested, City Manager Armas reported the potential savings to the taxpayer with the Local Match loan from the State Water Resources Control Board State Revolving Fund.

As there were no requests to speak, Mayor Cooper opened and closed the opportunity for public input at 10:03 p.m.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 05-110, "Resolution Approving Addenda Nos. 5, 6, and 7, and Awarding the Contract to Kiewit Pacific for the Water Pollution Control Facility Improvements, Phase I Project, Project No. 7518"

Resolution 05-111, "Resolution Amending the Design Services Agreement for the Water Pollution Control Facility Improvements, Phase I Project, Project No. 7518"

Resolution 05-112, "Resolution Amending the Construction Management Services Agreement for the Water Pollution Control Facility Improvements, Phase I Project, Project No. 7518"

Resolution 05-113, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement between the City of Hayward and Olivia Chen Consultants for Geotechnical Construction Support Services for the Water Pollution Control Facility Improvements, Phase I Project, Project No. 7518”

Resolution 05-114, “Resolution Amending Resolution 05-80, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2005-06, Relating to an Appropriation of Funds from the Sewer Capital Improvement Fund (Fund 613) to the Water Pollution Control Facility Improvements, Phase I Project, Project No. 7518”

## **COUNCIL REPORTS**

There were no reports.

## **ADJOURNMENT**

Mayor Cooper adjourned the meeting at 10:04 p.m.

## **APPROVED:**

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

## **ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency